



PATENT  
Attorney Docket No. 75931  
DHHS Ref. No. E-167-972

PATENT  
CENTER 1600 2900

SEP 25 2003

RECEIVED  
#21  
JRP  
10/11/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitchell et al.

Application No. 09/424,519

Filed: March 3, 2000

Group Art Unit: 1615

Examiner: B. Y. S. Kwon

For: THE USE OF A NITROXIDE OR A PRODRUG  
THEREOF IN THE PROPHYLACTIC AND  
THERAPEUTIC TREATMENT OF CANCER

DECLARATION UNDER 37 C.F.R. § 1.132 OF JAMES B. MITCHELL

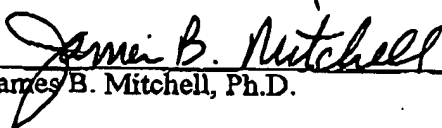
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, James B. Mitchell, hereby declare that:

1. I am a co-inventor of the subject patent application.
2. Attached hereto as Exhibit 1 is a copy of a manuscript, which has been prepared for publication in a scientific journal, that demonstrates the prophylactic treatment of mice lacking the *Atm* gene with Tempol. These mice are considered to be good models of ataxia telangiectasia. The data indicate that Tempol prophylactically treats ataxia telangiectasia.
3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

In re Appln. of Mitchell et al.  
Application No. 09/424,519

Respectfully submitted,

  
James B. Mitchell, Ph.D.

Date: 9/16/03

M:\Clients\WIH\131-132\175931 doc\132.doc